

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 96.50	Issue 1	Page 1 of 12
EQUAL EMPLOYMENT OPPORTUNITY POLICY AND COMPLAINT RESOLUTION PROCEDURES	Effective Date September 5, 2000		

1. Purpose

- 1.1 To reaffirm and communicate the City of San Diego's commitment to the principles of equal opportunity and to a work environment free of discrimination and harassment.
- 1.2 To establish procedures for effectively handling reports of potential violation of the City's Equal Employment Opportunity Policy when such reports are brought forward within City departments, and to ensure that reported issues are resolved in a prompt, appropriate and consistent manner which supports and promotes the well being of employees as well as business needs of the City.

(Reports of EEO Policy violations which are filed with the Personnel Department's Equal Employment Investigative Office will be handled pursuant to Personnel Manual Index Code K-2. See Section 6.1 for additional reporting options available to employees).

2. Scope

This policy shall apply to all employees in the City of San Diego, including contract employees and volunteers.

3. Policy

The City of San Diego's Equal Employment Opportunity Policy is incorporated into this Administrative Regulation by reference as if fully duplicated at this point.

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Authorized

(Signed by Michael T. Ueberuaga)

CITY MANAGER

(Signed by Rich Snapper)

PERSONNEL DIRECTOR

(Signed by Casey Gwinn)

CITY ATTORNEY

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4.     Definitions

Equal Employment  
Opportunity Liaison (EEOL)

A senior staff member identified by the department head who serves as a departmental/divisional liaison with the City's Employee Development Program, Personnel Department's Equal Employment Investigative Office (EEIO), and the City-wide Equal Employment Opportunity Committee (EEOC), who has received specific training in both the City's EEO policies and procedures, and in completing effective fact finding investigations.

Employee Development  
Program (EDP)

Managerial Program within the Competition and Organization Effectiveness Program which coordinates City-wide EEO training, complaint tracking and resolution issues, in conjunction with the Personnel Department, Labor Relations Office and the City Attorney's Office.

Equal Employment  
Opportunity Committee  
(City EEOC)

Committee composed of representatives from the Labor Relations Office, the City Attorney's Office, Equal Employment Investigative Office, Employee Development Program, and representative managers from operating departments, which meets on a periodic basis to review and recommend changes in the City's EEO policies and procedures.

Equal Employment  
Investigative Office  
(EEIO)

Located within the Personnel Department, this office is responsible for the administration of the City's internal program for the investigation and resolution of complaints or charges of unlawful discrimination based upon Title VII of the Civil Rights Act of 1964. The EEIO acts as the City's liaison and primary contact with all Federal and State compliance agencies. As such, it is the duty of the EEIO to officially receive and process formal complaints lodged by the agencies; investigate and respond to such complaints; arrange and schedule employee interviews and provide access to relevant records when requested by the state or federal agent or officer;

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Equal Employment  
Investigative Office  
(EEIO) (continued)

and to receive and respond to any findings of fact presented by the compliance agencies as a result of their investigation. In addition, the EEIO receives internal complaints directly or indirectly from applicants for City employment, employees, former employees, and employee representatives.

Deputy Director

For this A.R., “Deputy Director” shall mean all positions given the Appointing Authority responsibility generally exercised by the head of a division, or major sub unit, within a department.

Supervisor

Any employee who has authority to undertake or recommend employment decisions, including authority to direct the daily work activities, review work performance, and recommend or implement disciplinary actions affecting one or more City employees. This includes first level supervisors and above.

Complaint (or Report)

An allegation of potential violation of the City’s EEO Policy, as documented on an EEO Report Form (see EDP-100).

Complaint (or Reporting  
Employee)

An individual reporting a potential violation of the City’s EEO Policy.

Subject Employee

An individual who has allegedly violated the City’s EEO Policy.

5. Responsibility

5.1 Employee Development Program (EDP)

The EDP is organizationally located within the Financial, Organization Development and Management Services Business Center and has overall responsibility for coordinating departmental efforts to record, resolve and prevent violations of the City’s EEO Policy. This responsibility is similar to, but distinct from, that of the Personnel Department’s EEIO in that the focus of the EDP is on violation of the City’s EEO Policy, while the EEIO investigates complaints of discrimination in violation of State and Federal law.

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It is the responsibility of the EDP to ensure the annual review and distribution of the City's Equal Employment Opportunity Policy to all City employees.

The EDP will coordinate the periodic review and modification of these procedures with the City Equal Employment Opportunity Committee.

The EDP will also serve as the coordinating agent regarding EEO training and prevention programs for departments. Such coordination will include the review of EEO training programs developed by departments, and providing for the appropriate mechanisms necessary for accurately tracking training presentations and attendance.

In conjunction with the Personnel Department's EEIO, the EDP will periodically review complaint filings on a regular basis to identify potential areas of concern with regard to the timeliness of investigation and the resolution of complaints by departments.

The EDP will also review the appointment of the Equal Employment Opportunity Liaisons to ensure that the EEO Liaison's role is clearly defined within the department or division and consistent with the scope and intent for these liaisons, as herein delineated.

5.2 Equal Employment Opportunity Committee (City EEOC)

The EEOC will serve as the City's working body for the review of City-wide EEO policies and procedures. This committee will meet regularly to discuss changes in federal and state EEO law and their impact on City procedures and policies; will review unique or atypical EEO complaints and investigations to ensure procedural issues are adequately addressed; will review the impact this Administrative Regulation has on improving the City's EEO complaint resolution efforts; and will educate and inform departmental and divisional EEO Liaisons on EEO issues.

5.3 Labor Relations Office

The Labor Relations Office will serve as an additional resource regarding individual or City-side EEO policy issues.

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5.4 Personnel Department - Equal Employment Investigations Office (EEIO)

It is the responsibility of the Equal Employment Investigations Office to record, track, and, in conjunction with EDP, periodically review complaint filings to identify potential areas of concern with regard to the timeliness of investigation and the resolution of complaints by departments. (Additional responsibilities of this office are outlined in Personnel Manual Index, Code K-2.)

5.5 City Attorney's Office

The City Attorney's Office shall review and disseminate, on an ongoing basis, any changes to the statutory requirements concerning EEO issues. The City Attorney's Office shall also review new cases interpreting the statutes. Any changes in the laws will be brought before the EEO Committee, which will review such changes and recommend necessary City-wide policy revisions.

5.6 Deputy Director

The Deputy Director shall be responsible for ensuring that individual reports of potential EEO Policy violations are processed and resolved consistent with this regulation. In addition, Deputy Directors will be accountable for monitoring patterns of complaints within their areas of responsibility and for ensuring that steps are taken to address potential violations on a preventive basis.

5.7 Equal Employment Opportunity Liaison (EEOL)

The EEOL serves as an EEO resource for the department or division head with responsibility for implementing and coordinating EEO discrimination and harassment prevention programs and training, and, as directed, for reviewing policy violations, within a department or large division. The EEOL completes targeted training in the City's EEO policies and procedures, as well as training in the effective and efficient completion of internal fact finding investigations. As delegated by the Deputy Director, the EEOL reviews follow-up actions connected with complaints for consistency with City-wide EEO policies, and for thoroughness with regard to the completion of fact findings. (See also Section 4, above.)

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5.8 Supervisors

Supervisors are required to monitor City workplaces for actual or potential violations of the EEO Policy and to take steps to stop actions contrary to these policies when they occur. Specifically, supervisors shall:

1. use appropriate education and training measures to both inform employees regarding the City's EEO Policy, and to ensure that employees are aware of the procedures for reporting potential policy violations;
2. stop behavior in violation of the City's EEO Policy when directly observed or upon direct knowledge of;
3. ensure that instances of actual or potential EEO Policy violations are reported as outlined in Section 6, below;
4. manage the effect in the workplace of EEO Policy violation reports by maximizing confidentiality, insofar as practical, regarding the allegations, the complainant and other identified individuals; and
5. ensure that individuals involved in EEO investigations, either as the complainant, subject employee, or as a witness, are not subjected to direct or indirect retaliation.

5.9 Employees

It is the City's policy that employees must set an example of acceptable conduct and will not participate in or provoke behavior that is discriminatory, harassing, or retaliatory. Employees who observe or feel they have been subjected to conduct in violation of the City's EEO Policy should report these as outlined in Section 6.1, below. In addition, employees are responsible for maintaining confidentiality when they participate in a complaint process as a witness, subject or complainant.

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6. Procedure

6.1 Report Origination

If an employee believes that a violation of the City's EEO Policy has occurred, she/he is encouraged to report these instances immediately to any of the following **(the employee does not have to follow the departmental or divisional chain of command)**:

- a) The employee's supervisor;
- b) Another supervisor within or outside the employee's "chain-of-command"
- c) The employee's Equal Employment Opportunity Liaison, Deputy Director, or Department Head
- d) The departmental Human Resources or Equal Employment Opportunity office, if any
- e) The City Labor Relations Office (619) 236-6313 or Employee Development Program (619) 235-5802.
- f) The Personnel Department's Equal Employment Investigations office, at:

1200 3<sup>rd</sup> Avenue, Suite 1501  
San Diego, CA 92101  
(619) 236-7133

The time frame for filing a complaint is one year from the most recent incident.

- g) The State of California Department of Fair Employment and Housing (DFEH), at:

350 West Ash Street, Suite 950  
San Diego, CA 92101  
(800) 884-1684

The time frame for filing DFEH complaints is one year from the date of the most recent alleged act.

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- h) US Equal Employment Opportunity Commission (US EEOC), at:

401 B Street, Suite 1550  
San Diego, CA 92101  
(619) 557-7235

The time frame for filing US EEOC complaints is generally 300 days from the date of the most recent alleged act.

If the employee reports possible violations to any of the individuals in 1-5 above, the complaint procedures listed in this section shall apply. Complaints filed with the Personnel Department's Equal Employment Investigative Office will be subject to procedures detailed in Personnel Manual Index Code K-2. Complaints filed with the DFEH or US EEOC will be subject to procedures of the respective agencies.

The ability to complete an effective and thorough investigation is in part dependent upon the length of time between the alleged act and when it is reported. As a result, employees who report violations to any of the individuals in 1-5 above are **strongly encouraged to do so within 60 days of the most recent alleged act.**

## 6.2 Complaint Intake

Supervisors (or EEO Liaisons if reported to that individual) shall complete and forward to their Deputy Director, an Equal Employment Opportunity Report Form in any of the following instances:

- a) an employee expresses a desire to file a complaint of potential EEO Policy violation;  
or
- b) discussions with an employee leads the supervisor to believe that an EEO Policy violation with regard to workplace harassment may have occurred, **whether or not the employee wishes a complaint filed.**
- c) a supervisor determines that observed employee behavior is one which is contrary to City's EEO Policy and which will likely lead to written discipline.



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Instructions on proper Report Form completion and routing, including key information to be aware of when taking an employee report, are found on the back of the form.

When completing the EEO Report Form, the supervisor shall also inform the complainant of the alternate reporting avenues listed in 6.1; advise the employee that confidentiality will be maintained to the highest degree possible, but cannot be guaranteed; advise the employee of his/her responsibility to protect confidentiality; inform the employee that she/he will be officially notified of complaint results; and emphasize that if the employee feels she/he is being retaliated against, she/he should notify any of the individuals listed in 6.1 above immediately. These points are summarized on the employee's copy of the Report Form Receipt, (see EDP 100A) which the supervisor and employee shall sign for the record.

All complaints received shall be held in strict confidence to protect individual privacy rights and the reputations of those involved, and will be shared only with individuals who have a legitimate operational responsibility for investigating or resolving the issues identified.

### 6.3 Report Form Review and Delegation for Action

The Deputy Director shall review the EEO Report Form and determine what, if any, additional action will be taken (e.g. formal fact finding) including by whom and when. The Deputy shall route a preliminary copy of the EEO Report Form to the EEIO through confidential transmittal, and refer, if appropriate, the reported issue(s) to the delegated staff member for follow-up action, to be completed within 60 days absent extenuating circumstances.

The EEO Liaison, or other comparable management designee, shall review the final results of any investigatory or follow-up action for thoroughness and consistency with established EEO policies, procedures and Citywide investigatory practices. (For actions involving formal fact finds, refer to the Dimensions in Discipline training manual, which outlines appropriate procedures for effectively completing these types of investigations.)

Upon the conclusion of the follow-up action, notification is made to the Reporting and Subject employees that the preliminary investigation, or follow-up action, has been completed. (No Report Determination information, such as that outlined in 6.4.1, is shared at this time.) The Subject and Reporting employee are also notified that they will be informed of final determination subsequent to any disciplinary action and appeal, within an additional 60 days.

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6.4 Report Determination and Close-Out

- 6.4.1 Upon conclusion of the disciplinary process and appeal, if any, the Deputy Director shall record the final determination of the complaint on the Report Form, based on the following classifications:

<u>Unfounded</u>	The alleged act(s) did not occur.
<u>Not Sustained</u>	Follow-up investigation could not clearly prove or disprove the allegations
<u>No Violation</u>	Alleged act(s) did not violate any City Policy
<u>Violation of City/ Dept. EEO Policy</u>	Alleged act(s) occurred and some or all violate the City/Department EEO policies.
<u>Violation of City/ Department Policies</u>	Alleged act(s) occurred, and some or all violate non-EEO policy(ies).

- 6.4.2 The Deputy Director or his/her designee will ensure that the Reporting and Subject employees are notified of the final determination of the complaint, based on the classifications above. The date of notification and the signature of the individual performing the notification shall be recorded on the EEO Report Form.

In the event of discipline, notification of the final disciplinary action can serve as notification to the relevant employee regarding complaint disposition. Simply record this fact on the form (e.g., "Notification per Written Reprimand 6/30/00").

- 6.4.3 The Deputy Director shall ensure that appropriate disciplinary measures are taken against any employee who violates the City's EEO Policy or procedures. The final action(s) resulting from the complaint (e.g., reprimand, counseling) is recorded on the complaint form.

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6.4.4 The Deputy shall designate appropriate follow-up contact with the complainant, witness, or others who may have participated in any investigation, to ensure that direct or indirect retaliation has not taken place. Follow-up action(s) to be performed are recorded on the Report Form in the space provided. The original form is then signed by the Deputy Director and forwarded to the EEIO for records retention.

6.4.5 Individuals who, in connection with filing a report, or who, in any subsequent investigation, assert facts known to be false, or who assert facts with a willful disregard for whether or not they are true, shall be disciplined for misconduct.

6.5 Records Maintenance

The Personnel Department's Equal Employment Investigative Office (EEIO) shall maintain a record of Report Form filings by reporting employee, subject employee, complaint basis, department/division, final determination, and resulting discipline, if any. The EEIO shall maintain these records in such a fashion that a list of Report filings whose final determinations have not been completed within 120 days shall be forwarded to the respective department heads to ensure prompt completion, absent extenuating circumstances. This 120 day period is defined as the time between the date of report filing and notification to the Reporting employee of the final complaint determination.

The EEIO, jointly with the EDP, will periodically review incoming EEO Report Form filings and bring forward to departments any specific issues regarding these filings, based upon the circumstances surrounding individual policy violations or violation trends.

The EEIO will maintain the confidentiality of EEO Report Form records by releasing information only at the request of Department heads, Deputy Directors, the EDP, or appropriate designees for good and sufficient cause.

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APPENDIX

Attachments

Equal Employment Opportunity Policy

Forms Involved

Equal Employment Opportunity Report Form (EDP-100)  
Equal Employment Opportunity Report Form (EDP-100A)

Reference

Civil Service Rule XVI - Discrimination Complaints  
Personnel Manual Index Code K-2, Discrimination Complaint Procedures  
“Fact Finding Investigations” - Dimension in Discipline Manual

Subject Index

Personnel  
    Equal Employment Opportunity Policy and Complaint Resolution Procedures

Administering Department

Employee Development Program





THE CITY OF SAN DIEGO  
**Equal Employment Opportunity  
REPORT FORM (AR 96.50)**

(SEE REVERSE OF PAGE 3 FOR INSTRUCTIONS)

Ref- \_\_\_\_\_

1 NAME (TYPE OR PRINT) \_\_\_\_\_ SS# \_\_\_\_\_ DATE \_\_\_\_\_

JOB CLASS \_\_\_\_\_ DEPT./DIV. \_\_\_\_\_

WORK LOCATION \_\_\_\_\_ SUPERVISOR \_\_\_\_\_

WORK PH. \_\_\_\_\_ (ALTERNATE PH. \_\_\_\_\_) WORK PH. \_\_\_\_\_

2 CONCERNS EXPRESSED BY EMPLOYEE (WHO, WHAT, WHERE, WHEN, HOW LONG HAS THIS BEEN GOING ON? HAVE YOU TOLD ANYONE ELSE?):

☐ WITNESS LIST ATTACHED  
☐ ADDITIONAL PAGES ATTACHED

3 WHY DOES THE EMPLOYEE FEEL THE ABOVE EVENT(S) IS / ARE OCCURRING?

☐ ADDITIONAL PAGES ATTACHED

REMEDY SOUGHT BY EMPLOYEE:

☐ NO REMEDY SOUGHT

4 IMMEDIATE CORRECTIVE ACTION TAKEN, IF ANY (NON-DISCIPLINARY):

☐ ADDITIONAL PAGES ATTACHED

5 FILING AND ROUTING RECORD:  
REPORTING SUPERVISOR: \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
ROUTED TO (PRINT): \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

6 EEO RELATED: ☐ RACE/ETHNICITY/NATIONAL ORIGIN ☐ GENDER ☐ RELIGION ☐ SEXUAL ORIENTATION ☐ AGE  
☐ DISABILITY/MEDICAL CONDITION ☐ MARITAL STATUS ☐ PREGNANCY ☐ SEXUAL HARASSMENT ☐ OTHER

☐ RETALIATION BASED UPON PREVIOUS COMPLAINT REGARDING:

☐ ACTION REQUIRED. REFERRAL TO:

☐ NO FURTHER ACTION REQUIRED (GO TO #8 BELOW)

FACT FINDING TO BE CONDUCTED BY:

TARGET COMPLETION DATE:

COMMENTS:

☐ ADDITIONAL PAGES ATTACHED

DEPUTY DIRECTOR (PRINT): \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
CC: PERSONNEL DEPARTMENT - EQUAL EMPLOYMENT INVESTIGATIONS OFFICE

7 PRELIMINARY NOTIFICATION TO

REPORTING EMPLOYEE: BY \_\_\_\_\_ DATE \_\_\_\_\_

SUBJECT: BY \_\_\_\_\_ DATE \_\_\_\_\_

8 REPORT DETERMINATION: ☐ UNFOUNDED ☐ NO VIOLATION ☐ VIOLATION OF CITY / DEPT. EEO POLICY(IES)  
☐ NOT SUSTAINED ☐ VIOLATION OF OTHER CITY / DEPT. POLICY(IES)

FINAL NOTIFICATION TO:  
☐ EMPLOYEE BY \_\_\_\_\_ DATE \_\_\_\_\_ ☐ SUBJECT BY \_\_\_\_\_ DATE \_\_\_\_\_

9 FINAL ACTION(S) RESULTING FROM EEO REPORT:

☐ NO ACTION(S) REQUIRED ☐ RESULTING DISCIPLINE BASED SOLELY ON NON-EEO POLICY VIOLATIONS

10 SPECIFY FOLLOW-UP MONITORING TO BE PERFORMED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
COMMENTS:

DEPUTY DIRECTOR (PRINT): \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
ROUTE TO: PERSONNEL DEPARTMENT - EQUAL EMPLOYMENT INVESTIGATIONS OFFICE

REF: \_\_\_\_\_





THE CITY OF SAN DIEGO  
Equal Employment Opportunity

REPORT FORM RECEIPT

Ref- \_\_\_\_\_

REPORTING SUPERVISOR RECORD

ROUTED TO (PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ROUTED TO (PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

This portion of the Report Form Receipt is retained by the Reporting Supervisor as a record of timely forwarding. **Do not keep any copies of the original Report Form.**

As a supervisor, you are responsible for managing the effect reports of potential EEO policy violations have in the workplace by maximizing confidentiality, insofar as practical, regarding the allegations, the reporting Employee, and other identified individuals. The information relayed to you in this Report is confidential and should not be shared with others unless there is a specific need to know.

In addition, your responsibilities include ensuring that individuals involved in EEO investigations, either as a reporting Employee or as a witness, are not subjected to direct or indirect retaliation.

Refer to AR 96.50 regarding the City's procedure for handling reports of potential EEO policy violations.

(TEAR GOLDENROD COPY ALONG DOTTED LINE)

EMPLOYEE RECORD

Thank you for coming forward with your concern regarding potential violation(s) of the City's Equal Employment Opportunity Policy. This notification copy is being provided to you as a record of your report and as assurance that prompt and appropriate action will be taken on the issues you raised. The City would like to officially advise you of the following:

1. You have the right to report any conduct which you believe violates the City's Equal Employment Opportunity Policy. Your report is taken seriously and will be investigated pursuant to EEO procedures detailed in AR 96.50.
2. In addition to filing this report with your Department, you also have the right to file a complaint directly with any of the following agencies: the City's Labor Relations Office (619) 236-6313; the City's Employee Development Program (619) 235-5802; the City's Equal Employment Investigations Office (619) 236-7133; the State of California Department of Fair Employment and Housing (800) 884-1684; or the US Equal Employment Opportunity Commission (619) 557-7235. You should contact these agencies directly to determine the time frames for complaint filing.
3. The information you reported will be confidential to as great a degree as legally permissible and reasonably practical. While your expressed desire regarding confidentiality will be seriously considered, those wishes must be weighed against: 1) the responsibility of the City to investigate possible EEO violations and to take corrective and preventive action where appropriate, and; 2) the right of the accused employee to obtain information about the allegation. During any investigation, the subject employee has a right to the name of the reporting Employee and the information related to alleged acts, but the names of witnesses will not be disclosed. In all cases, your report will only be discussed with those who have a legitimate responsibility for investigating or resolving the issues identified.
4. You have a responsibility to protect the confidentiality of this report by not discussing these issues in the workplace. Questions regarding what follow-up action has or will occur should be directed to one of the following individuals: the person with whom you filed this report, your Deputy Director, Department Director, or the City's Equal Employment Investigations Office. By doing so, you help to minimize workplace disruptions, preserve the reputations of all parties involved, and help to preserve the integrity of any investigation which may follow.
5. You will be notified of the final results of this report. Should you not receive such results within 120 days, you should follow up with your Deputy Director, Department Director, or the City's Equal Employment Investigations Office by referring to the EEO Report Form Reference number below. Information regarding what, if any, disciplinary action has been or will be taken against other individuals will not be disclosed.
6. Retaliation towards you for filing this report is illegal and will not be tolerated. If you feel that you are being retaliated against, please contact your Deputy Director, Director, Human Resource Manager, or EEO unit; or any of the contacts listed in 2, above.

EMPLOYEE \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REPORTING SUPERVISOR \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REF: \_\_\_\_\_



**(Reference A.R. 96.50)**

The EEO Report Form and Report Form Receipt are used to record and track a report of alleged violations of the City's Equal Employment Opportunity Policy. Supervisors are required to use this form whenever allegations of EEO policy violations are brought to their attention. This generally occurs in three ways: 1) an employee expresses a desire to formally file a report of EEO violation; 2) a supervisor observes employee behavior contrary to City's EEO policy which may warrant written discipline; and 3) discussion with an employee leads the supervisor to believe that an EEO policy violation regarding workplace harassment may have occurred, **whether or not the employee wishes a complaint filed**. While it may seem reasonable to let the employee determine whether to pursue a complaint, the City must fulfill its responsibility to prevent discrimination and harassment and to take corrective action despite the employee's wishes.

**INSTRUCTIONS:**

(For these instructions, "Deputy Director" is an individual who is given the Appointing Authority responsibility generally exercised by the head of a division, or major sub-unit, within a department; "Employee" is the person reporting the potential violation; "Reporting Supervisor" is the supervisor or EEOL to whom the report is made; and "Subject" is the individual who has allegedly violated the EEO Policy.)

① The Employee or Reporting Supervisor completes the top portion of the form which records general information on the Employee. Social Security Number is requested because the City uses this number as the Employee Identification Number to track employees throughout its personnel systems.

② The Reporting Supervisor completes this section by recording the alleged policy violations as relayed by the Employee (or as directly observed). Key elements to record are listed (*who, what, where, when*). In addition, it is important to record how long the alleged violations may have been occurring. For example, "*at least two weeks*"; "*since John was promoted*". Ask about and record the names of any individual who may be a potential witness to the allegations. Ask if the Employee has spoken to anyone about this or has spoken with the person who allegedly violated the policy. Ask about any written documentation which may support the allegations. If the Employee has these, attach them to the form, but instruct the Employee not to go "hunting for evidence" if s/he does not already have documentation.

③ Record here the reason the Employee feels the reported actions have occurred. Examples may include: favoritism, conflict of interest, poor supervision, discrimination, lack of knowledge. "Remedy Sought" may include reassignment, correction of problem, or simply "wanted to inform supervisor."

④ The Reporting Supervisor records what, if any, immediate action was taken in response to the reported act. In all instances it is critical that no formal discipline, such as counselings or reprimands, be taken until directed to do so.

The Reporting Supervisor and the Employee both sign the bottom of the Report Form Receipt (EDP 100A). A copy of the bottom half is retained by the Employee as his/her record of report filing.

⑤ The Reporting Supervisor routes the form to his/her Deputy Director, obtaining the signature of the Deputy in the spaces provided on the Report Form and top half of the Report Form Receipt. Use routing methods consistent with those used for other highly confidential material. The Reporting Supervisor retains a copy of the top half of the Report Form Receipt as record of routing.

⑥ The Deputy Director reviews the information and records what follow-up action, if any, will be performed within 60 days. The Deputy also makes a preliminary assessment regarding the specific EEO "protected status" (e.g. race, religion, gender, etc.) to which the complaint may be related. In the event of unique or serious circumstances, contact is made with Personnel Department's Equal Employment Investigative Office (619) 236-7133 to ensure a suitable course of action.

A copy of the Report Form is sent via confidential transmittal to the Personnel Department's Equal Employment Investigative Manager to initiate proper tracking of the EEO Report Form.

⑦ Upon completion of follow-up action, such as a fact finding investigation, preliminary notification is made to both the Employee and Subject that follow-up action has been completed and additional action, including discipline and related appeal, if any, will be completed within 60 days. Record this preliminary notification including the name of the person performing the notification and the date.

⑧ Upon conclusion of the disciplinary process, final determination is recorded by checking the relevant box(es):

**Unfounded:** The alleged acts did not occur.

**Not Sustained:** Follow-up investigation could not clearly prove or disprove the allegations.

**No Violation:** Alleged acts did not violate any City policy(ies).

**Violation of City / Dept EEO policy(ies):** Alleged act(s) occurred, and some or all violate City / Dept EEO policy(ies).

**Violation of Other City policy(ies):** Alleged act(s) occurred, and some or all violate non-EEO policy(ies).

The Deputy Director then ensures that the Employee and the Subject receive notification of this information. **Disciplinary action, if any, is not shared.** Record notification information in the space provided.

⑨ Any action, such as discipline, which results from the EEO report is recorded here.

⑩ Key to demonstrating the City's commitment to a long-term EEO discrimination prevention program is regular follow-up, typically 3 and 6 months after the final resolution, with the Employee and witnesses to ensure that retaliatory actions have not occurred. In the space provided, indicate the nature and date of follow-up action(s) to be performed. For example, include the names of those to be contacted, the date and the name of individual delegated to follow-up.